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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2016-21

13 **BUGMAC**
14 7900 Limonite Avenue, Suite G303
15 Riverside, CA 92509

DEFAULT DECISION AND ORDER

16 **Company Registration Certificate**
17 **No. PR 5848, Branch 3**

[Gov. Code, §11520]

18 **RONY MacDONALD**
19 7900 Limonite Avenue, Suite G303
20 Riverside, CA 92509

21 **Operator's License No. OPR 10966,**
22 **Branch 3**

23 Respondents.

24 **FINDINGS OF FACT**

25 1. On or about October 6, 2015, Complainant Susan Saylor, in her official capacity as
26 the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
27 Affairs, filed Accusation No. 2016-21 against Bugmac, Rony MacDonald, Owner and Qualifying
28 Manager, and against Rony MacDonald (Respondents) before the Structural Pest Control Board.
(Accusation attached as Exhibit A.)

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1 2. On or about May 20, 2009, the Structural Pest Control Board (Board) issued
2 Company Registration Certificate No. PR 5848, Branch 3, to Bugmac, with Rony MacDonald as
3 Owner and Qualifying Manager (Respondent). The Company Registration Certificate was in full
4 force and effect at all times relevant to the charges brought in Accusation No. 2016-21.

5 3. On or about September 13, 2004, the Structural Pest Control Board issued Operator's
6 License No. OPR 10966, Branch 3, to Rony MacDonald (Respondent). The Operator's License
7 was in full force and effect at all times relevant to the charges brought in Accusation No. 2016-21
8 and will expire on June 30, 2016, unless renewed.

9 4. On or about October 13, 2015, Respondent was served by Certified Mail and First
10 Class Mail copies of Accusation No. 2016-21, Statement to Respondent, Notice of Defense,
11 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
12 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
13 Code section 136, is required to be reported and maintained with the Board. Respondent's
14 address of record was and is:

15 7900 Limonite Avenue, Suite G303
16 Riverside, CA 92509

17 5. On or about November 2, 2015, Respondent was served by Certified Mail and First
18 Class Mail copies of Accusation No. 2016-21, Statement to Respondent, Notice of Defense,
19 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
20 and 11507.7) at Respondent's alternate address, as follows:

21 8304 Limonite Avenue, Suite 101
22 Riverside, CA 92509

23 6. Service of the Accusation was effective as a matter of law under the provisions of
24 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
25 124.

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1 7. On or about October 19, 2015, two signed Certified Mail receipts were received for
2 the certified mail sent to 7900 Limonite Avenue, Suite G303, Riverside, California 91509.

3 8. On or about October 19, 2015, the aforementioned documents mailed by Certified
4 Mail and First Class Mail to the alternate address were returned by the U.S. Postal Service
5 marked "Return to Sender/Insufficient Address/Unable to Forward."

6 9. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts
9 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

10 10. Respondent failed to file a Notice of Defense within 15 days after service upon
11 them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation
12 No. 2016-21.

13 11. California Government Code section 11520 states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense or to appear at the
15 hearing, the agency may take action based upon the respondent's express admissions
16 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

17 12. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on the
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on
21 file at the Board's offices regarding the allegations contained in Accusation No. 2016-21, finds
22 that the charges and allegations in Accusation No. 2016-21, are separately and severally, found to
23 be true and correct by clear and convincing evidence.

24 13. Taking official notice of its own internal records, pursuant to Business and
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
26 and Enforcement is \$1,940 as of December 1, 2015.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Bugmac, Rony MacDonald, Owner and Qualifying Manager, has subjected its Company Registration Certificate No. PR 5848, Branch 3, to discipline.

2. Based on the foregoing findings of fact, Respondent Rony MacDonald has subjected his Operator's License No. 10966, Branch 3, to discipline.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Structural Pest Control Board is authorized to revoke Respondent's Company Registration Certificate based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Violation of Business and Professions Code sections 8516 and 8518, in that on the property located at 2220 El Capitan Drive, #205, Riverside, CA 92506, Respondent failed to submit to the Board a WDO inspection report and a Standard Notice of Work Completed.

b. Violation of Business and Professions Code sections 8516(b)(6) and California Code of Regulations, title 16, sections 1937.14 and 1990(a)(3), in that on the property located at 2220 El Capital Drive, #205, Riverside, CA 92506, Respondents departed from industry standards as follows:

1. Respondent failed to report that drywood termite infestations at the garage, attic, and balcony of the property extended to inaccessible areas.

2. Respondent failed to complete repairs at the balcony joist in a good and workmanlike manner that would meet accepted trade standards.

3. Respondent failed to remove or cover accessible evidence of wood destroying pests (drywood termite pellets) in the attic of the condominium and the attic of the detached garage.

c. Violation of Business and Professions Code section 8613, in that Respondent failed to notify the Board within 30 days that Company Registration No. PR 5848 changed the location of its principal office.

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1 d. Violation of Business and Professions Code section 8641, in that Respondent failed to
2 comply with the Code and Regulations.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED March 9, 2016

Attachment:
Exhibit A: Accusation